

REMARKS

New claims 11 through 16 are pending in the application with the present amendments. In the Office Action, claims 1 and 6 were rejected under 35 U.S.C. §112 as allegedly failing to comply with the written description requirement. As presented herein, claims 11-16 are fully supported by the Specification in compliance with 35 U.S.C. §112.

In the Office Action, claims 1 and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,802,017 to Sato et al. ("Sato"). For the reasons set forth below, applicants respectfully submit that the presently presented claims are fully distinguished from Sato.

In the data transmitting method recited in claim 11, data is transmitted via data units having a predetermined data length. Audio channel data represents sounds which are reproducible on a plurality of audio channels. The audio channel data is arranged for each of a plurality of audio channels in a plurality of first data units. A second data unit includes a label section and a data transmission section which has a plurality of variable length data portions which relate to the respective ones of the plurality of audio channels, e.g., the positioning of speakers therefor (claim 13). The data in the data transmission section of each unit can be arranged with different spatial placements, e.g., with one or two bits per channel.

A sub-label section of the second data unit indicates the spatial placement of the data within the data transmission section of the second data unit. The sub-label section would allow a device which receives the data to quickly identify the spatial placement of data within the data transmission section so that data which is arranged in variable length portions of two bits per channel is not improperly received as one bit per channel data. Examples of different spatial placements and

variable data length portions of the data transmission sections are described with reference to FIGS. 15A through 15D and FIG. 16, *inter alia*, and in the specification at pp. 22-26.

By contrast, *Sato* neither teaches nor suggests the setting up of a data unit having a data transmission section and a sub-label section, the data transmission section having a plurality of variable length data portions related to respective ones of a plurality of audio channels. The data in *Sato's* "OPR 1" section merely indicates an action to be performed, e.g., "whether audio recording is to be carried out." The data in the "OPR 1" section does not indicate the spatial placement of data within a data transmission section of a data unit.

Claim 14 contains recitations similar to those of claim 11 and is submitted to be allowable over *Sato* on at least the same basis as claim 1.

Claims 12, 13 and 15, 16 are dependent from claims 11 and 14 are submitted to be allowable at least by virtue of their dependency therefrom.

Support for the present amendments is provided, *inter alia*, at pp. 22-27 of the Specification and in FIGS. 15A through 15D, FIG. 16 and FIG. 17.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any remaining objections which he might have.


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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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